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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/772,574	02/05/2004	Ronald G. Thieman	70026260-0002-103	2255
30565	7590	12/09/2004	EXAMINER	
WOODARD, EMHARDT, MORIARTY, MCNETT & HENRY LLP BANK ONE CENTER/TOWER 111 MONUMENT CIRCLE, SUITE 3700 INDIANAPOLIS, IN 46204-5137			DESAI, HEMANT	
		ART UNIT	PAPER NUMBER	
		3721		

DATE MAILED: 12/09/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)
	10/772,574	THIEMAN, RONALD G.
	Examiner	Art Unit
	Hemant M Desai	3721

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 05 February 2004.
- 2a) This action is FINAL. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 84-86 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 84-86 is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All b) Some * c) None of:
1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____. |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____. | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| | 6) <input type="checkbox"/> Other: _____. |

DETAILED ACTION

Drawings

1. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, "at least a portion of the length of the fastener strips not being attached to the film" must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. The replacement sheet(s) should be labeled "Replacement Sheet" in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claim 84 is rejected under 35 U.S.C. 103(a) as being unpatentable over

McMahon (6178722) in view of Porchia et al. (5950285).

McMahon discloses a method and apparatus for manufacturing a flexible recloseable container, comprising: providing a pair of interlockable fastener strips (24, 42, fig. 6), a web of flexible film (102, figs. 5-6), and a plurality of sliders (54, figs. 5-6) placing the plurality of sliders on the pair of interlockable fastener strips, and attaching the interlockable fastener strips to the web of flexible film after placing the plurality of sliders.

McMahon, as mentioned above, discloses all the claimed limitations, except for fusing together a portion of the fastener strip at a plurality of locations. However, Porchia et al. teach to fuse together a portion of the fastener strip at a plurality of locations (30, fig. 1) form preventing slider from moving past the ends of the reclosable fastener strip (see col. 5, lines 16-18 and 38-40). Therefore it would have been obvious to one having ordinary skill in the art at the time the invention was made to fuse together a portion of the fastener strip at a plurality of locations as taught by Porchia et al. in the method of McMahon for manufacturing a flexible recloseable container to prevent the slider from moving past the ends of the reclosable fastener strip.

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3. Claim 85 is rejected under 35 U.S.C. 103(a) as being unpatentable over Richardson et al. (5405478) in view of Herrington, Jr. et al. (5067208).

Richardson et al. disclose an apparatus for attachment to a flexible, recloseable bag having a width, comprising a pair of interlockable fastener strips (11, fig. 1) having a length, and a plurality of sliders (10, fig. 1) coupled to the fastener strips, wherein the fastener strips are fused together at a plurality of positions (30, fig. 1) along the length, each fused position being spaced apart from adjacent said fused positions by about the width of a bag (see fig. 1).

Richardson et al., as mentioned above, disclose all the claimed limitations, except for the fastener strips being notched at plurality of positions.

However, Herrington, Jr. et al. teach the fastener strip (11, fig. 11) being notched (18a, 18b, 19a, 19b, fig. 11) to provide a leak-proof closure for the bag (see col. 6, lines 52-68; col. 7, lines 1-15). Therefore it would have been obvious to one having ordinary skill in the art at the time the invention was made to have provided the fastener strip being notched as taught by Herrington, Jr. et al. in the apparatus of Richardson et al. for attachment to a flexible, recloseable bag to provide a leak-proof closure for the bag.

4. Claim 86 is rejected under 35 U.S.C. 103(a) as being unpatentable over Richardson et al. in view of Herrington, Jr. et al. as applied to claim 85 above, and further in view of Sullivan (4620320).

The apparatus of Richardson et al. as modified by Herrington, Jr. et al. meets all the claimed limitations except for at least a portion of the length of the fastener strips not being attached to the film.

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However, Sullivan teaches that at least a portion of the length of the fastener strip, 14, fig. 1, not attached to the film (29, fig. 1) to provide connecting link between the adjacent bags in the production line and then is severed intermediate contiguous bags to separate the bags one from another (see col. 3, lines 2-5). Therefore it would have been obvious to one having ordinary skill in the art at the time the invention was made to provide at least a portion of the length of the fastener strips not being attached to the film as taught by Sullivan in the modified apparatus of Richardson et al. for attachment to flexible film for making a recloseable bag to provide connecting link between the adjacent bags in the production line and then is severed intermediate contiguous bags to separate the bags one from another.

Conclusion

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hemant M Desai whose telephone number is (571) 272-4458. The examiner can normally be reached on 7:00 AM-5: 30 PM, Mon-Thurs..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Rinaldi I. Rada can be reached on (571) 272-4467. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Hemant M Desai
Examiner
Art Unit 3721

HMD



Rinaldi I. Rada
Supervisory Patent Examiner
Group 3700